

# FEDERAL REGISTER

Vol. 76 Tuesday,

No. 109 June 7, 2011

Pages 32851-33120

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see <a href="https://www.ofr.gov">www.ofr.gov</a>.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the Federal Register shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpo@custhelp.com*.

The annual subscription price for the Federal Register paper edition is \$749 plus postage, or \$808, plus postage, for a combined Federal Register, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the Federal Register including the Federal Register Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily Federal Register, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 76 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

### SUBSCRIPTIONS AND COPIES

#### **PUBLIC**

### **Subscriptions:**

Paper or fiche 202–512–1800 Assistance with public subscriptions 202–512–1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche
Assistance with public single copies
202–512–1800
1–866–512–1800
(Toll-Free)

### FEDERAL AGENCIES

### **Subscriptions:**

Paper or fiche 202–741–6005 Assistance with Federal agency subscriptions 202–741–6005

### FEDERAL REGISTER WORKSHOP

### THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

- The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
- 2. The relationship between the Federal Register and Code of Federal Regulations.
- 3. The important elements of typical Federal Register documents
- An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, June 14, 2011 9 a.m.-12:30 p.m.

WHERE: Office of the Federal Register

Conference Room, Suite 700 800 North Capitol Street, NW. Washington, DC 20002

RESERVATIONS: (202) 741-6008



# **Contents**

### Federal Register

Vol. 76, No. 109

Tuesday, June 7, 2011

### **Agriculture Department**

See Food Safety and Inspection Service See Rural Business-Cooperative Service

### Arts and Humanities, National Foundation

See National Foundation on the Arts and the Humanities

### Census Bureau

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

2012 Economic Census of Island Areas, 32950

### **Commerce Department**

See Census Bureau

See International Trade Administration

See National Oceanic and Atmospheric Administration

# Commodity Futures Trading Commission PROPOSED RULES

Adaptation of Regulations to Incorporate Swaps, 33066–33113

Mixed Swaps; Security-Based Swap Agreement Recordkeeping:

Definitions of Swap, Security-Based Swap, and Security-Based Swap Agreement; Correction, 32880

### **Defense Department**

See Navy Department

NOTICES

36(b)(1) Arms Sales Notifications, 32958-32961

### **Department of Transportation**

See Pipeline and Hazardous Materials Safety Administration

### **Education Department**

### **NOTICES**

Grant Awards Programs:

Deadline Dates for Receipt of Applications, Reports, and Other Records, 32961–32966

Proposed Extensions and Waivers:

National Center to Enhance Professional Development of School Personnel, etc., 32968–32969

National Early Childhood Technical Assistance Center, 32967–32968

National Technical Assistance and Dissemination Center for Children Who are Deaf–Blind, 32969–32971 Proposed Priorities:

National Institute on Disability and Rehabilitation Research, 32971–32974

# Employment and Training Administration

Requests for Certification of Compliance:

Rural Industrialization Loan and Grant Program, 32989 Workforce Investment Act of 1998; Incentive Funding Availabilities:

Program Year 2009 Performance; Correction, 32990–32991

### **Employment Standards Administration**

See Wage and Hour Division

# **Environmental Protection Agency**

### PROPOSED RULES

Control of Emissions from New Highway Vehicles and Engines:

Guidance on Certification Requirements for Heavy-Duty Diesel Engines Using Selective Catalytic Reduction Technology, 32886–32896

### **Executive Office of the President**

See Presidential Documents

# **Federal Aviation Administration**

### PROPOSED RULES

Proposed Modifications of Class E Airspace: Forsyth, MT, 32879–32880

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

FAA Entry Point Filing Form – International Registry, 33021–33022

Implementation to Equal Access to Justice Act, 33022 Meetings:

RTCA Special Committee 159; Global Positioning System, 33022–33023

# **Federal Communications Commission**

### RULE

Cable Landing Licenses; Correction, 32866–32867 PROPOSED RULES

Provisions of Fixed and Mobile Broadband Access, Educational and Other Advanced Services: 2150–2162 and 2500–2690 MHz Bands, 32901–32906 NOTICES

Meetings; Sunshine Act, 32974

# Federal Emergency Management Agency PROPOSED RULES

Proposed Flood Elevation Determinations, 32896–32901 NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Write Your Own Program, 32981–32982

Emergencies and Related Determinations:

Alabama, 32982

Major Disasters and Related Determinations:

Alabama, 32982–32983

Arkansas, 32984–32985

Georgia, 32985

Kentucky, 32985–32986

Mississippi, 32984

Tennessee, 32983

### **Federal Maritime Commission**

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32974–32975

# Federal Motor Carrier Safety Administration PROPOSED RULES

Inspection, Repair, and Maintenance:
Driver-Vehicle Inspection Report for Intermodal
Equipment, 32906–32911

### Federal Reserve System

#### NOTICES

Change in Bank Control Notices; Acquisitions of Shares of Bank or Bank Holding Company, 32975–32976

### Fish and Wildlife Service

#### **RULES**

Endangered and Threatened Wildlife and Plants:

Designation of Critical Habitat for Roswell Springsnail, Koster's Springsnail, Noel's Amphipod, and Pecos Assiminea, 33036–33064

#### PROPOSED RULES

Endangered and Threatened Wildlife and Plants:

Petition to List Striped Newt as Threatened, 32911-32929

# Food and Drug Administration

### **RULES**

Guidance for Industry and Investigators on Enforcement of Safety Reporting Requirements:

Investigational New Drug Applications and Bioavailability/Bioequivalence Studies; Availability, 32863–32864

### **NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Infant Formula Recall Regulations, 32976–32977

# Food Safety and Inspection Service

International Standard-Setting Activities, 32933-32943

### **Health and Human Services Department**

See Food and Drug Administration See National Institutes of Health

### **Homeland Security Department**

See Federal Emergency Management Agency NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Telecommunications Service Priority System, 32980–32981

### **Interior Department**

See Fish and Wildlife Service See National Park Service

### **NOTICES**

Meetings:

Vendor Outreach Workshop for Small Businesses in Texas Intermountain Region, 32986

### **Internal Revenue Service**

### RULES

Extension of Withholding to Certain Payments Made by Government Entities; Correction:, 32864–32865

### PROPOSED RULES

Encouraging New Markets Tax Credit Non-Real Estate Investments, 32880–32882

New Markets Tax Credit Non-Real Estate Investments: Public Hearing, 32882–32885

Withholding on Payments by Government Entities to Persons Providing Property or Services: Correction, 32885–32886

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33023–33026

# International Trade Administration

### NOTICES

Coal Mining Equipment, Technologies and Services Trade Mission to China and Mongolia, 32951–32953

Transportation Infrastructure/Multimodal Products and Services Trade Mission to Doha, Qatar, and Abu Dhabi and Dubai, United Arab Emirates, 32953–32956

### International Trade Commission

#### NOTICES

Complaints:

Solicitation of Comments Relating to Public Interest, 32987–32988

### **Labor Department**

See Employment and Training Administration See Wage and Hour Division

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals: Grain Handling Facilities, 32988–32989

# National Foundation on the Arts and the Humanities NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32992–32993

# National Institutes of Health

### NOTICES

Meetings:

Eunice Kennedy Shriver National Institute of Child Health and Human Development, 32979–32980 National Institute of Allergy and Infectious Diseases, 32980

National Institute of Diabetes and Digestive and Kidney Diseases, 32978–32979

National Institute of General Medical Sciences, 32979–32980

National Institute of Nursing Research, 32978 National Institute on Aging, 32977–32978

National Institute on Alcohol Abuse and Alcoholism, 32978

# National Oceanic and Atmospheric Administration RULES

Fisheries of Northeastern United States:

2011 Specifications for Spiny Dogfish Fishery, 32873–32876

Fisheries Off West Coast States:

West Coast Salmon Fisheries; 2011 Management Measures; Correction, 32876–32877

### PROPOSED RULES

Western Pacific Pelagic Fisheries:

American Samoa Longline Gear Modifications to Reduce Turtle Interactions, 32929–32932

### **NOTICES**

Meetings:

Fisheries of South Atlantic; Southeast Data, Assessment, and Review, 32956–32957

Gulf of Mexico Fishery Management Council, 32956 Membership Solicitations; Hydrographic Services Review Panel, 32957–32958

### **National Park Service**

### NOTICES

Meetings:

National Capital Memorial Advisory Commission, 32986–32987

### **National Science Foundation**

#### NOTICES

Meetings:

Toward Innovative Spectrum-Sharing Technologies, etc.; Technical Workshop, 32993

# **National Transportation Safety Board**

### NOTICES

Meetings; Sunshine Act, 32993-32994

### **Navy Department**

### **RULES**

Certifications and Exemptions under International Regulations for Preventing Collisions at Sea, 1972, 32865–32866

# **Nuclear Regulatory Commission**

### PROPOSED RULES

**Draft Regulatory Guides:** 

Preoperational Testing of Emergency Core Cooling Systems for Pressurized-Water Reactors, 32878– 32879

### **NOTICES**

Combined License Applications:

Nine Mile Point 3 Nuclear Project, LLC and UniStar Nuclear Operating Services, LLC, 32994–32996

### **Personnel Management Office**

### **RULES**

General Schedule Locality Pay Areas, 32859–32863 NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Designation of Beneficiary (FERS), 32996 Health Benefits Election Form, 32996–32997 Request for Change to Unreduced Annuity, 32997

Privacy Act; Systems of Records, 32997–33002

# Pipeline and Hazardous Materials Safety Administration RULES

Hazardous Materials

Requirements for Storage of Explosives During Transportation, 32867–32873

### NOTICES

Safety Advisories:

Unauthorized Marking of Compressed Gas Cylinders,

# **Presidential Documents**

### **PROCLAMATIONS**

Special Observances:

African-American Music Appreciation Month (Proc. 8684), 32851–32852

Great Outdoors Month (Proc. 8687), 32857–32858 Lesbian, Gay, Bisexual, and Transgender Pride Month (Proc. 8685), 32853–32854

National Caribbean-American Heritage Month (Proc. 8686), 32855–32856

National Oceans Month (Proc. 8688), 33119–33120 ADMINISTRATIVE ORDERS

# Government Agencies and Employees:

Health and Human Services, Department of; Public Health Services, Ready Reserve Corps, Appointment Authority (Memorandum of May 31, 2011), 33115— 33117

### **Railroad Retirement Board**

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33002–33003

# **Rural Business-Cooperative Service**

### **NOTICES**

Rural Cooperative Development Grant Application Deadlines, 32943–32949

# Securities and Exchange Commission PROPOSED RULES

Mixed Swaps; Security-Based Swap Agreement Recordkeeping:

Definitions of Swap, Security-Based Swap, and Security-Based Swap Agreement; Correction, 32880

#### NOTICES

Applications for Orders under Section 26(c) of Investment Company Act of 1940, as Amended:

TIAA-CREF Life Insurance Co., et al., 33003-33011

Self-Regulatory Organizations; Proposed Rule Changes:

NASDAQ OMX BX, 33014-33015

NASDAQ OMX BX Inc. LLC, 33011-33012

NASDAQ OMX PHLX LLC, 33012-33013, 33015-33017

NASDAQ Stock Market LLC, 33017-33018

Sunshine Act Meeting, 33018

### **State Department**

### **NOTICES**

Waiver of Restriction on Assistance to Royal Government of Cambodia, 33019

### Susquehanna River Basin Commission

### NOTICES

Projects Approved for Consumptive Uses of Water, 33019–33021

### **Transportation Department**

See Federal Aviation Administration See Federal Motor Carrier Safety Administration See Pipeline and Hazardous Materials Safety Administration

### **Treasury Department**

See Internal Revenue Service See United States Mint

### **United States Mint**

### **NOTICES**

Pricing for 2011 American Eagle Silver Proof Coin, 33026–33027

# **Veterans Affairs Department**

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Application for Exclusion of Children's Income, 33028 Certification of School Attendance – REPS, 33030–33031 Certification of School Attendance or Termination, 33027–33028

Disability Benefits Questionnaires – Group 1, 33029–33030

Information from Remarried Widow/er, 33030 Information Regarding Apportionment of Beneficiary's Award, 33029

National Practitioner Data Bank Regulation, 33032 Request for Contact Information, 33031

Requirements for Interest Rate Reduction Refinancing Loans, 33028–33029 Statement of Marital Relationship, 33027 Supplemental Income Questionnaire (For Philippine Claims Only), 33027

Veteran's Application for Increased Compensation Based on Unemployability, 33031–33032

Veteran's Supplemental Application for Assistance in Acquiring Specially Adapted Housing, 33032–33033

# Wage and Hour Division NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals: Family Medical Leave Act Employee and Employer Surveys, 32991–32992

### Separate Parts In This Issue

### Part II

Interior Department, Fish and Wildlife Service, 33036–33064

### Part III

Commodity Futures Trading Commission, 33066-33113

### Part IV

Presidential Documents, 33115-33117, 33119-33120

### **Reader Aids**

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

# CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

	66532929
3 CFR	00332929
Proclamations: 868432851	
868532853	
868632855	
868732857 868833119	
Administrative Orders:	
Memorandums:	
Memorandum of May	
31, 201133117	
5 CFR	
53132859	
10 CFR	
Proposed Rules:	
5032878	
14 CFR	
Proposed Rules:	
7132879	
17 CFR	
Proposed Rules:	
1 (2 documents)32880,	
33066 533066	
733066	
833066	
1533066	
1833066	
2133066 3633066	
4133066	
14033066	
14533066	
15533066 16633066	
24032880	
21 CFR	
31232863	
32032863	
26 CFR	
3132864	
Proposed Rules:	
1 (2 documents)32880,	
32882 3132885	
32 CFR	
70632865	
40 CFR	
Proposed Rules:	
8632886	
44 CFR	
Proposed Rules:	
6732896	
47 CFR	
132866	
Proposed Rules:	
2732901	
49 CFR	
17132867 17732867	
Proposed Rules:	
39032906	
39632906	
50 CFR	
1733036	
64832873	
66032876	
Proposed Rules: 1732911	
1732911	